IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.MC.No. 183 of 2007()

CRIME NO. 268/05 KILIKOLLUR POLICE STATION

PETITIONER:

USHA, D/O.LAKSHMIKUTTY,
`USHUS' PEROOR, T.K.M. COLLEGE P.O.,
KOLLAM-5.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
(CRIME NO.268/05 KILIKOLLUR POLICE STATION.)

2. CIRCLE INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION.

3. SUPERINTENDENT OF POLICE,
KOLLAM.

4. DIRECTOR GENERAL OF POLICE,
(LAW AND ORDER) POLICE HEADQUARTERS
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 183 of 2007

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Dated this the 1st day of March, 2007

O R D E R

The petitioner is the owner of a stage carriage, bearing No.KL-2U/730. According to the petitioner, theft of the said vehicle took place as early as on 11/12.7.2005. A crime was registered at the Kilikolloor police station as Crime No. 268 of 2005. Investigation is in progress. Initially there was no accused shown. In the course of investigation, altogether four persons have been arrayed as accusedby now. Accused Nos. 1 and 2 have been arrested. Investigation has led the police to the conclusion that the stolen vehicle had been entrusted to accused Nos. 3 and 4. That information was allegedly available to the police when the first accused was arrested as early as on 11.11.2005. But accused 3 and 4 have not been arrested yet nor has the vehicle been seized yet.

2. The petitioner, the victim of the crime, laments before this Court that no proper and efficient investigation is being conducted by the Investigator. The Sub Inspector of Police, Kilikolloor police station is the Investigating Officer. The petitioner, the victim of the

crime, is entitled to look up to the State for a fair, proper, efficient and expeditious investigation and restoration of the stolen bus to her. All her hopes have been belied. No worthwhile or meaningful investigation is being conducted. It is in these circumstances that the petitioner has come to this Court with this petition praying for directions under Section 482 Cr.P.C. for a proper, efficient and expeditious investigation.

3. Notice was given to the respondents. The S.I. of Police has filed a statement dt. 27.2.2007. Not satisfied with the said statement, I have called for production of the case diary. The case diary has been perused. I must say that a perusal of the statement and the case diary leaves this court with a deep sense of dissatisfaction about the manner in which the investigation is conducted.

4. The polity has a right for a proper, efficient and expeditious investigation into the crimes committed generally and into the crimes in which they are the victims particularly. A perusal of the case diary reveals the irresponsible and lethargic manner in which the investigation has been conducted. Having received information from accused 1 and 2 that the stolen vehicle had been entrusted to accused 3 and 4 for disposal, any Investigating Officer worth his salt must have made expeditious efforts to

apprehend those accused persons and continue the endeavor to trace the stolen vehicle. Attempts in that direction have unfortunately not been undertaken at all. The case diary reveals that there is insufficiency, lethargy and want of due care and caution on the part of the Investigating Officer. The property stolen is a big bus. It has not been traced. After identifying the accused no serious attempt is seen made to get out them.

5. I am surprised to note that no superior officer has left any note in the case diary so far expressing dissatisfaction about the manner in which the investigation is being conducted. The provisions of the Kerala Police Manual, Volume I,Chapter XIV stipulate that supervision of the investigation must be conducted. The Circle Inspector, Sub Divisional Officer, Superintendent of Police, Deputy Inspector General etc. are all expected to exercise due and diligent supervision over the investigation. If lower level functionaries were left without any accountability and duty to explain, it may not be possible to expect better quality of investigation from the subordinate officers.

6. Deeply dissatisfied by the quality of investigation conducted in the matter, I am left without no other alternative, but to direct the Superintendent of Police, Kollam to conduct an investigation into the crime

under his direct supervision through an officer not below the rank of a Dy.S.P. Necessary orders to that effect shall be issued to the 4th respondent under intimation to the petitioner within a period of three weeks from this date. Action taken shall be reported to this Court within a period of one month from this date.

7. It has been the unfortunate experience of this Court in this jurisdiction to come across deplorable quality of investigation in crimes by the police. It will be only proper for the powers that be to recognise and realise the expectations of the civil society from the police. The police is still, even today, the visible and the most proximate arm of the State to an ordinary citizen. He expects justice from the police. Unless the State is able to qualitatively improve the performance of the police, good governance will remain an empty and distant dream. The sense of commitment, humanist persuasions, efficiency and professionalism of the police force have to transform radically. I shudder to visualise the quality of professional satisfaction that the investigator can hope to get from the investigation that is conducted by him in this case. Is it that he has no professionalism in him at all? Or is it that the system does not expect the same from him and give him that opportunity? He and all his superiors

must hang their heads down in shame. This investigation is a slur on the system including the courts which are expected to ensure that the law prevails. There appears to be no effective structures in place for supervision and monitoring of investigation by superior police officials in this State. The earlier we travel to the destination of a conscientious, committed, sensitised and professional police force for this State, the better for us. The Directorate of Prosecutions, which has been established must also play its assigned role in improving the system. Any officer must have been mortally afraid and worried to produce the case diary in this case before the directorate to say that this is the investigation that I have conducted. That he is not afraid to do so reveals that he has complacency and conviction that he need not worry about anything from any one. I am informed by the counsel for the petitioner that when the first accused was arrested in the case there was great jubilation and the newspapers had celebrated the event with headlines. That was the end of investigation also, it appears.

8. I must express my fond hope that the 4th respondent shall take necessary steps to ensure that proper monitoring and supervision of the investigation by the subordinate officers is undertaken by superior officials

of the police in this State in accordance with the Police Manual. Otherwise desperate citizens will have no other option, but to knock at the doors of this Court to complain about such inadequate investigation. But how many can afford to come here? They will be left to suffer in silence cursing their plight and the system.

9. This Crl.M.C. is allowed to the extent indicated above in para 8.

10. Issue copy of the order to the learned Public Prosecutor , who shall communicate the same to respondents 3 and 4 forthwith.

(R. BASANT)
Judge

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